



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
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DIRK KEMPTHORNE
 Governor

KARL J. DREHER
 Director

December 2, 2003

Kevin Lakey
 Water District 37
 P.O. Box T
 Shoshone, ID 83352

Dear Mr. Lakey:

As we discussed on the telephone, I have reviewed the water right and transfer files relevant to the letter you received from Speck and Aanestad, dated November 10, 2003. According to IDWR records, transfer number 69589 split water right 37-20439 into water rights 37-20615 and 37-20616. Ownership of Water Right 37-20615 was retained by Rigmor and Elmar Grabher and is currently leased to the Water Supply Bank. Water right 37-20616 is owned by Henry and Janne Burdick.

Water Right 37-20616 authorizes the diversion of 0.03 cfs from groundwater for the irrigation of 1.0 acre within Tax Lot 3369 (7173). This portion of the parent water right formerly authorized the diversion of 0.09 cfs from the Big Wood River at the Hiawatha Canal. After the transfer, the conditions of approval require that 0.02 cfs of this water right be delivered to the Hiawatha Canal from the Big Wood River to mitigate the transfer. The remaining 0.07 cfs of surface water will be left undiverted in the Big Wood River to mitigate for the use of the 0.03 cfs of ground water.

It appears that the Water District 37 decree books have already been modified to reflect the transfer. The portion of Water Right 37-20616 to be delivered to the Hiawatha Canal is correctly listed under the Hiawatha Canal and RLS-10. I suggest that you review the following numbers in the decree book, as it appears to me that they may need to be revised.

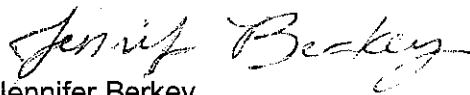
1. I believe diversion number 18-C is intended to represent the maximum authorized diversion from the well. If this is the case, then it should read 0.03 cfs, rather than 0.05 cfs.
2. RLR-73 should read 0.07 cfs, which is the amount of surface water to be left undiverted in the Big Wood River.
3. According to IDWR records, water right 37-20615 is currently leased to the Water Supply Bank and has not been rented, so the 0.19 cfs should not be included in the total to be delivered to the Hiawatha Canal.

As mentioned in the letter from Speck and Aanestad, the conditions of approval for water right 37-20616 require that the right holder provide lockable controlling works acceptable to the watermaster. The purpose of this condition is to allow watermaster control of the well when March 24, 1883 surface water rights are being curtailed. Lockable controlling

works for a groundwater diversion typically consist of a pump control (on/off) switch that can be locked by the watermaster in the off position. Another alternative would be a control valve that can be padlocked by the watermaster in a closed position, however this alternative is less convenient for the watermaster. If the water user intends to be able to divert a portion of the authorized flow rate during periods when the March 24, 1883 rights are partially curtailed, then the system will need to be designed with valve(s) that can also be locked by the watermaster in partially open positions.

As we discussed on the telephone, IDWR has written standards for closed conduit measuring devices. However, the conditions of approval for water right 37-20616 do not require installation of a measuring device for this diversion. Please contact me at 208-327-7871 if you have further questions.

Sincerely,

A handwritten signature in cursive script, reading "Jennifer Berkey".

Jennifer Berkey

Water Distribution Section

Attachment

cc: Allen Merritt, IDWR Southern Region
James P. Speck, Speck and Aanestad